



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 12, 1990

Ms. Diana Granger
Deputy City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR90-541

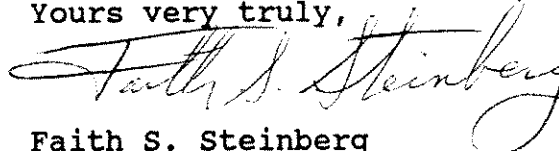
Dear Ms. Granger:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10567.

You have received a request for information concerning reports of investigations of complaints against a certain park police officer. We have considered the exception you have claimed, section 3(a)(11) specifically, and have reviewed the documents at issue. Section 3(a)(11) protects advice, opinion, and recommendation for use in the decisional process. Open Records Decision No. 538 (1990). Facts and written observations of facts and events, when such information is severable from advice, opinion, or recommendation, cannot be withheld under section 3(a)(11). Much of the information you seek to withhold does fit the section 3(a)(11) test. However, you have also included a good deal of information, particularly in the testimony given in the course of the investigations, that is basically factual narrative of the events at issue. The narration of events is not advice, opinion, or recommendation, although the narrator's subjective conclusions about the facts may be. Open Records Decision No. 315 (1982). Furthermore, you have marked as unresponsive to the request certain statements that appear to us to be quite responsive, given their relation to the complaints at issue. We have marked the portions of your marked text that we have determined to be open under the Act, and these you must disclose.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-541.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FSS/le

Ref.: ID# 10567

Enclosures: ORD Nos. 538, 315
Marked Documents

cc: Raul Calderon
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